

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERROD L. HERNDON,

Petitioner,

v.

STAFF PSYCHOLOGIST,

Respondent.

Case No. [16-cv-05034-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

The instant case was commenced when Petitioner Gerrod L. Herndon, who at that time had been in custody at the Richard J. Donovan Correctional Facility ("RJDCF"), filed a document captioned "Petition for a Writ of Habeas Corpus." Dkt. 1. Petitioner also filed a motion for leave to proceed *in forma pauperis*. Dkt. 3. On October 18, 2016, mail directed to Petitioner at RJDCF by the Clerk of the Court was returned as undeliverable with a notation that he had been "paroled." To date, Petitioner has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b).

More than sixty days have passed since the mail directed to Petitioner was returned as undeliverable. The Court has not received a notice from Petitioner of a new address. Accordingly, the petition is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall enter judgment, terminate all pending motions, and close the file.

1 This Order terminates Docket No. 3.

2 IT IS SO ORDERED.

3 Dated: January 9, 2017



YVONNE GONZALEZ ROGERS
United States District Court Judge

United States District Court
Northern District of California

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